

**FILED**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

AUG 27 2008

MOLLY C. DWYER, CLERK OF COURT  
U.S. COURT OF APPEALS

DON BORG,

Plaintiff - Appellant,

V.

PRINCIPAL LIFE INSURANCE  
COMPANY; TARGET CORPORATION,

Defendants - Appellees.

No. 08-16898

D.C. No. 5:07-cv-03149-JW  
Northern District of California,  
San Jose

**TIME SCHEDULE  
ORDER**

The parties shall meet the following time schedule:

- |                                 |  |
|---------------------------------|--|
| <b>Thu., August 21, 2008</b>    | Appellant/petitioner shall immediately file the civil appeals docketing statement (CADS), pursuant to Circuit Rule 33-1;   |
| <b>Tue., September 2, 2008</b>  | Appellant/petitioner shall notify appellee/respondent of transcripts to be ordered, pursuant to 9th Cir. R. 10-3.1(a);   |
| <b>Wed., September 10, 2008</b> | Appellee/respondent shall notify appellant/petitioner of any additional transcripts needed, pursuant to 9th Cir. R. 10-3.1(b);                                   |
| <b>Mon., September 22, 2008</b> | Appellant/petitioner shall file transcript order form with the district court and make payment arrangements with court reporter, pursuant to 9th Cir. R. 10-3.1; |
| <b>Mon., October 20, 2008</b>   | Court reporter shall file transcript in the district court, pursuant to FRAP 11(b) and 9th Cir. R. 11-1.1;   |

**Mon., December 8, 2008** Appellant/petitioner's opening brief and excerpts of record shall be served and filed pursuant to FRAP 32 and 9th Cir. R. 32-1;

**Mon., January 5, 2009** The brief of appellee/respondent shall be filed and served, pursuant to FRAP 32 and 9th Cir. R. 32-1

**The optional appellant/petitioner reply brief shall be filed and served within fourteen days of service of the appellee/respondent's brief, pursuant to FRAP 32 and 9th Cir. R. 32-1.**

**Failure of the appellant to comply with the Time Schedule Order will result in automatic dismissal of the appeal. 9th Cir. R. 42-1**

**Appellants/Petitioners without representation of counsel in a prisoner appeal may have their case submitted on the briefs and record without oral argument, pursuant to FRAP 34(a). Within 10 days of the filing of the appellant's opening brief, parties may file a statement setting forth the reasons why, in the opinion of the parties, oral argument should be heard.**

FOR THE COURT:  
Molly C. Dwyer  
Clerk of Court

Ruben Talavera  
Deputy Clerk